

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OHIO METAL SERVICES, LLC,)	CASE NO. 5:13-cv-2588
)	
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	
)	ORDER AND OPINION
TRUEFORGE GLOBAL MACHINERY)	
CORP.,)	
)	
DEFENDANT.)	

This matter is before the Court on the parties' stipulation for remand to state court. (Doc. No. 7.) For the reasons set forth below, the case is REMANDED to the Summit County Court of Common Pleas.

Title 28 U.S.C. § 1441, which governs civil actions removable from state court, provides that such removal may only occur when a federal court has original jurisdiction of the matter. In its notice of removal, defendant claimed original jurisdiction pursuant to 28 U.S.C. § 1332, asserting complete diversity and an amount in controversy exceeding the jurisdictional amount. (Doc. No. 1 at 1.) Diversity jurisdiction under § 1332 exists only when the "matter in controversy exceeds the sum or value of \$75,000[.]" 28 U.S.C. § 1332(a). In evaluating the amount in controversy, "the sum claimed by the plaintiff controls if the claim is apparently made in good faith. *It must appear to a legal certainty that the claim is really for less than the jurisdictional amount to justify dismissal.*" *Kovacs v. Chesley*, 406 F.3d 393, 395 (6th Cir. 2005) (quoting *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 288-89, 58 S. Ct. 586, 82 L.Ed. 845 (1938)) (emphasis in original). The parties now stipulate that the amount in

controversy does not exceed the jurisdictional amount. (Doc. No. 7.) Accordingly, the Court does not have original jurisdiction over the case and must remand. *See* 28 U.S.C. § 1447(c) (“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”).

The stipulation for remand is approved, and this action is REMANDED to the Summit County Court of Common Pleas.

IT IS SO ORDERED.

Dated: December 18, 2013



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE